United Nations A/CN.4/563

General Assembly

Distr.: General
30 January 2006

Original: English

International Law Commission
Fifty-eighth session
Geneva, 1 May-9 June 2006
Geneva, 3 July-11 August 2006

Filling of casual vacancies in the Commission

Note by the Secretariat

1. Following the election of Mr. Bernardo Sépulveda to the International Court of Justice on 7 November 2005 and his subsequent resignation from the International Law Commission, one seat on the Commission has fallen vacant.

2. In this case, article 11 of the Commission's statute is applicable. Article 11 prescribes that:

> "In the case of a casual vacancy, the Commission itself shall fill the vacancy having due regard to the provisions contained in articles 2 and 8 of this Statute."

Article 2 reads:

> "1. The Commission shall consist of thirty-four members who shall be persons of recognized competence in international law.
>
> "2. No two members of the Commission shall be nationals of the same State.
>
> "3. In case of dual nationality a candidate shall be deemed to be a national of the State in which he ordinarily exercises civil and political rights."

Article 8 reads:

> "At the election the electors shall bear in mind that the persons to be elected to the Commission should individually possess the qualifications required and that in the Commission as a whole representation of the main forms of civilization and of the principal legal systems of the world should be assured."

3. The term of the member to be elected by the Commission will expire at the end of 2006.

06-22761 (E) 310106
0622761